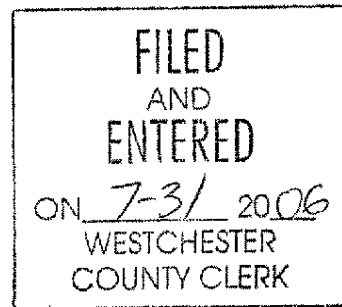


To commence the statutory time period for appeals as of right [CPLR 5513(a)], you are advised to serve a copy of this order, with notice of entry upon all parties.



SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF WESTCHESTER - ENVIRONMENTAL CLAIMS PART

-----X  
GREENTREE REALTY, LLC,

Petitioner/Plaintiff,

DECISION

Index No. 11872/05

-against-

THE VILLAGE OF CROTON-ON-HUDSON, THE  
VILLAGE BOARD OF TRUSTEES OF THE VILLAGE  
OF CROTON-ON-HUDSON, THE VILLAGE OF  
CROTON-ON-HUDSON ZONING BOARD OF  
APPEALS, and DANIEL O'CONNOR, in his official  
capacity, as the VILLAGE BUILDING INSPECTOR,

Respondents/Defendants.

-----X  
VILLAGE OF CROTON-ON-HUDSON,

Plaintiff,

-against-

NORTHEAST INTERCHANGE RAILWAY, LLC  
and GREENTREE REALTY, LLC,

Defendants.

-----X  
NICOLAI, J.

The following papers numbered 1 to 10 were read on this motion by Petitioner/Plaintiff for an order:

- (1) Enjoining Respondents from enforcing against Greentree, NIR and their respective agents and tenants or assigns, the one-year abandonment period pertaining to pre-existing nonconforming uses set forth in Village Zoning Code Section 250-53(A)(3) ( "Abandonment Period") until such time as

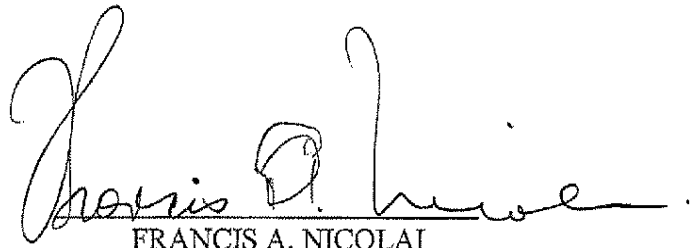
there is a final and unappealable determination and/or adjudication regarding the Special Permit application;

- (2) Tolling the operation and applicability of the Abandonment Period until such time as there is a final and unappealable determination and/or adjudication regarding the Special Permit application.

Order to Show Cause - Affidavits	1- 4
Answering Affidavits	8
Replying Affirmation	9-10
Memorandums of Law	7
Exhibits	5-6

Upon the foregoing papers, it is ordered that this motion is granted to the extent that the Abandonment Period is tolled for ninety (90) days following a final determination by the municipality with regard to the Special Permit application, without prejudice to Petitioner/Plaintiff to apply for an additional extension.<sup>1</sup>

Dated: White Plains, New York  
July 31, 2006

  
FRANCIS A. NICOLAI  
A.J.S.C.

TO:

ZARIN & STEINMETZ  
Attorneys for Petitioners/Plaintiffs  
81 Main Street, Suite 415  
White Plains, NY 10601

STECICH MURPHY & LAMMERS, LLP  
Attorneys for the Village of Croton-on-Hudson  
828 South Broadway, Suite 201  
Tarrytown, NY 10591

---

<sup>1</sup>The Special Permit application is presently pending before the Village of Croton on-Hudson Planning Board and the nonconforming use will not lapse until August 31, 2006.